

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. Examiner acknowledges Board of Patent Appeals and Interferences decision, 10/27/2010, which reversed the grounds of rejection under appeal.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-12 and 23-28 rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1, 23, and 27 recite methods for detecting ventricular arrhythmias. The recited method steps do not require a specific apparatus, and amount to manipulation of data. The claims fail to provide for a transformation of data or the creation of new data. It is suggested that Applicant provide a specific apparatus for practicing the method, and a transformation of the data by positively reciting that therapy is delivered based on the comparing of the manipulated data. It is suggested that step "d" from claim 1, be put in a positive recitation such as "delivering therapy..." and an ECG or EGM signal is obtained to detect the premature ventricular contractions. Examiner reminds applicant that any claim amendment must have basis within the written description.

### ***Allowable Subject Matter***

4. Claims 13-22 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH STOKLOSA whose telephone number is (571)272-1213. The examiner can normally be reached on Monday-Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Niketa Patel can be reached on 571-272-4156. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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